

BV RETAIL, LLC,

Plaintiff,

v.

JAMES M. DONNELLY AND STACY D. TAKATS,

Defendants.

THIS MATTER is before the Court on “Plaintiff’s Motion for Prejudgment Interest, Attorneys’ Fees and Postjudgment Interest,” Doc. 78 filed on October 11, 2013 and the parties’ associated briefs and exhibits, Docs. 79, 80 and 84.

The parties have consented to Magistrate Judge jurisdiction under 28 U.S.C. § 636(c), and this Motion is now ripe for the Court's consideration.

After fully considering the arguments, the record, and the applicable authority, the Court enters final judgment in favor of Plaintiff for the following amounts:

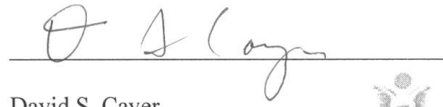
1. Actual damages in the amount of \$126,908.27;
2. Prejudgment interest in the amount of \$24,196.96;
3. Attorneys' fees in the amount of \$20,152.34; and
4. Post judgment interest calculated at the federal rate as set forth in 28 U.S.C. §

1961(a). The Court finds that the Guaranty does not provide clear, unambiguous, and unequivocal language that a ten percent (10%) interest rate is the postjudgment rate.

The Clerk is directed to send copies of this Order to counsel for the parties.

SO ORDERED.

Signed: November 14, 2013

A handwritten signature in cursive script, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

